

F I L E D

Clerk

District Court

AUG 16 2005

1 DANILO T. AGUILAR  
2 Attorney at Law  
3 P.O. Box 505301  
First Floor, San Jose Court Building  
Ghiyeghi St. & Wischira Way, San Jose  
4 Saipan, MP 96950  
TELEPHONE: (670) 234-8801  
5 FAX: (670) 234-1251

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

6 Attorney for Plaintiff  
7 John (Jack) Angello

8 IN THE UNITED STATES DISTRICT COURT  
9  
10 FOR THE  
NORTHERN MARIANA ISLANDS

11 JOHN (JACK) ANGELLO,

CIVIL ACTION NO. 03-0014

12 Plaintiff,

13 v.  
14 DECLARATION OF PLAINTIFF'S  
NORTHERN MARIANAS COLLEGE,  
15 COUNSEL IN OPPOSITION OF  
Defendant.

SANCTIONS

16  
17  
18

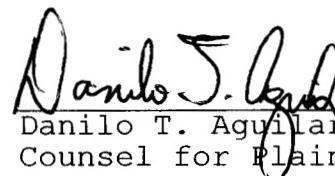
19 Pursuant to 7 CMC § 3305, I, Danilo T. Aguilar, hereby  
20 declare:

- 21 1. I am counsel of record for the Plaintiff in the above-  
22 styled action.
- 23 2. I am duly licensed to practice law before this Court.
- 24 3. On August 1, 2005, Plaintiff Angello sent an Open  
25 Government request to the Northern Marianas College  
(NMC), pursuant to 1 CMC § 9917.

ORIGINAL

- 1           4. After reviewing the CNMI Constitution, Article III,  
2           Section 11 and, furthermore, after reading the attached  
3           letter from the CNMI Attorney General's Office, I do  
4           believe that defense counsel's appearance for NMC, does  
5           not comply with the CNMI Constitution. See Attachment  
6           "1".  
7           5. Following the Court's rules, Plaintiff effected service  
8           on the Commonwealth and NMC by serving the CNMI Attorney  
9           General. To date, the CNMI Attorney General has not  
10          made an appearance in this case. See Attachment "2".  
11          6. NMC has hired private counsel, Mr. Smith, who has not  
12          been officially designated as an Assistant Attorney  
13          General, and does not have the constitutionally-vested  
14          responsibility to represent NMC in legal matters.  
15

16          I declare under penalty of perjury that the forgoing is true  
17          and correct to the best of my knowledge and that this declaration  
18          was executed on August 16<sup>th</sup>, 2005, at Saipan, CNMI.

19  
20  
21            
22          Danilo T. Aguilar, F0198  
23          Counsel for Plaintiff  
24  
25



Commonwealth of the Northern Mariana Islands  
**Office of the Attorney General**

2nd Floor-Administration Building Capitol Hill  
Caller Box 10007, Saipan, MP 96950

**Attorney General/Civil Division**  
Tel: (670) 664-2341  
Fax: (670) 664-2349

Criminal Division  
Tel: (670) 664-2366/2367/2368  
Fax: (670) 234-7016

February 28, 2003

Hon. Stanley T. Torres  
Chairman, Committee on Ways and Means  
House of Representatives  
13<sup>th</sup> CNMI Legislature  
P.O. Box 500610  
Saipan, MP 96950

**Re: Request for a Legal Opinion on NMC Policies and Actions**

Dear Chairman Torres:

This letter is in response to your correspondence of February 21, 2003, in which you requested my office to render a legal opinion on various matters relating to the Northern Marianas College ("NMC").

As the CNMI Attorney General, I have the constitutional duty to act as counsel to the Governor and the Executive Branch. This duty has created the traditional attorney-client relationship with those agencies. Therefore, my duty to the Executive Branch agencies, including NMC, precludes me from answering any questions pertaining to the propriety of NMC's actions. If there are facts that mandate that I take action to perform my other constitutional duties, including representing the Commonwealth in all legal matters and prosecuting violations of Commonwealth law, then I will take such action when appropriate.

In addition, for the Attorney General's Office to provide opinions of law to the legislature would raise a concern about separation of powers. For these reasons, I will be unable to respond to your request for a legal opinion.

It is my intention to continue to work with the Legislature on matters of mutual interest to accomplish mutual objectives. However, the current circumstances do not permit my office to respond to your inquiry.

Sincerely,

  
RAMONA V. MANGLONA  
Attorney General



**CERTIFICATE OF ACCEPTABLE DELIVERY**

Case Name: John (Jack) Angello v. Kenneth Wright, et al.

Case Number: Civil Action No. 03-0014 (U.S. District Court)

Delivered to: Acting Attorney General David Hutton

Documents Received:

Complaint and Request for Jury Trial  
Copies of Summons

Date Received:

7-02-03

Time:

4:59

Received by:

David W. Hutton

Print Name

David W. Hutton

Signature

Delivered by:

John Jack Angello

Print Name

John Jack Angello

Signature

"2"